

ORIGINAL

CE105NE5D

DEORCHIS WIENER & PARTNERS, LLP

61 Broadway, 26th Floor
New York, New York 10006-2802
(212) 344-4700

Attorneys for Third-Party Plaintiffs
AKELA NAVIGATION CO. LTD., and ALMI
MARINE MANAGEMENT, SA.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MAN FERROSTAAL, INC.,

Plaintiff,

07 Civ. 6269 (PKL)

- against -

**EX PARTE ORDER FOR PROCESS
OF MARITIME ATTACHMENT
AGAINST SM CHINA CO. LTD.**

M/V AKILI, her engines, boilers, tackle, etc.,
AKELA NAVIGATION CO. LTD., ALMI MARINE
MANAGEMENT SA, SM CHINA CO. LTD.,

Defendants.

-----X
-----X

AKELA NAVIGATION CO. LTD.,
ALMI MARINE MANAGEMENT SA,

Third Party Plaintiffs,

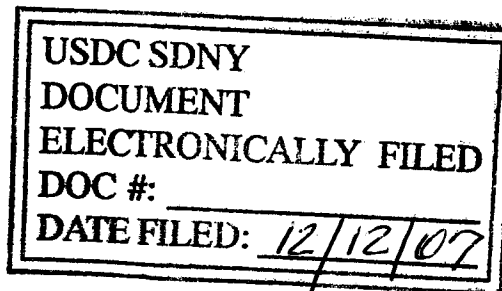
- against -

SM CHINA CO. LTD.,

Third Party Defendant.

-----X

WHEREAS, on December 12, 2007 Third-Party Plaintiffs AKELA
NAVIGATION CO. LTD. and ALMI MARINE MANAGEMENT SA, filed a Verified



Third-Party Complaint herein seeking damages amounting to US\$325,000.00 not inclusive of interest, costs and reasonable attorney's fees, and praying for the issuance of Process of Maritime Attachment and Garnishment pursuant to Rule B of the Supplemental Admiralty Rules for Certain Admiralty and Maritime Claims of the Federal Rules and Civil Procedure; and

WHEREAS, the Process of Maritime Attachment and Garnishment would command that the United States Marshal or other designated process server attach any and all of the Defendant's property within the District of this Court; and

WHEREAS, the Court has reviewed the Verified Third-Party Complaint and the Supporting Affidavit, and the conditions of Supplemental Admiralty Rule B appearing to exist, it is hereby

ORDERED, that Process of Maritime Attachment and Garnishment shall issue against all tangible or intangible property belonging to, claimed by or being held for the Third-Party Defendant SM CHINA CO. LTD., by any garnishees within this District, including but not limited to, ABN AMRO, Deutsche Bank, HSBC (USA), Bank of America, Wachovia, Citibank, American Express Bank, J.P. Morgan Chase, Bank of New York, The Clearing House Interbank Payments System LLC, The New York Clearing House Association LLC, and/or Standard Chartered Bank, in an amount up to and including \$325,000.00 pursuant to Rule B of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure; and it is further

ORDERED, that any person claiming interest in the property attached or garnished pursuant to said order shall, upon application to the Court, be entitled to a prompt hearing at

which the Plaintiff shall be required to show cause why the attachment and garnishment should not be vacated or other relief granted; and it is further

ORDERED, that supplemental process enforcing the Court's Order may be issued by the Clerk upon application without further Order of the Court; and it is further

ORDERED, that following initial service by the United States Marshal or other designated process server upon each garnishee, that supplemental service of the Process of Maritime Attachment and Garnishment, as well as this Order, may be made by way of facsimile transmission or alternative electronic means; and it is further

ORDERED, that service on any garnishee as described above is deemed effective continuous service throughout the day from the time of such service through the opening of the garnishee's business the next business day; and it is further

ORDERED, that pursuant to Federal Rule of Civil Procedure 5(b)(2)(D) each garnishee may consent, in writing, to accept service by any other means; and it is further

ORDERED, that a copy of this Order be attached to and served with said Process of Maritime Attachment and Garnishment.

Dated: December 12, 2007

SO ORDERED:


U.S.D.J.

A CERTIFIED COPY
J. MICHAEL McMAHON,

CLERK

BY _____
DEPUTY CLERK